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Letter dated 2 February 2015 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004), submitted pursuant to paragraph (p) of the annex to resolution 2160 (2014).

I should be grateful if the report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Jim **McLay**
Chair
Security Council Committee established pursuant to resolution 1988 (2011)

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Letter dated 1 December 2014 from the Analytical Support and Sanctions Monitoring Team addressed to the Chair of the Security Council Committee established pursuant to resolution 1988 (2001)

I enclose the report of the Analytical Support and Sanctions Monitoring Team, prepared pursuant to paragraph (p) of the annex to resolution 2160 (2014).

The Monitoring Team notes that the document of reference is the English original. For ease of reference, the three recommendations made by the Team appear in bold.

(*Signed*) Alexander **Evans**
Coordinator
Analytical Support and Sanctions Monitoring Team
established pursuant to resolution 1526 (2004)

Report of the Analytical Support and Sanctions Monitoring Team on specific cases of cooperation between organized crime syndicates and individuals, groups, undertakings and entities eligible for listing under paragraph 1 of Security Council resolution 2160 (2014)

Summary

While the Taliban have cooperated with criminal networks in Afghanistan since the 1990s, their involvement in criminal activity, including narcotics trafficking, illicit mining, collusion with "transport mafias" and kidnapping for ransom, appears to be increasing. The scale and depth of this cooperation is new, and builds on decades of interaction between the Taliban and others involved in criminal behaviour. At times, the Taliban have attempted to generate resources directly by acting as a criminal body. On other occasions, they have extracted revenue from, or in cooperation with, criminal networks. This trend has real consequences for peace and security in Afghanistan, as it encourages those within the Taliban movement who have the greatest economic incentives to oppose any meaningful process of reconciliation with the new Government. This is all the more reason to intensify efforts to use the Security Council sanctions regime to expose and disrupt Taliban involvement in, and links to, criminal activity.

The present report was prepared pursuant to Security Council resolution 2160 (2014), adopted on 17 June 2014. It examines specific cases of cooperation between organized crime syndicates, notably groups involved in kidnapping for ransom, in the production of and trade in narcotics, and in the illegal exploitation of natural resources in Afghanistan, including precious and semi-precious stones, and individuals, groups, undertakings and entities eligible for listing under paragraph 1 of resolution 2160 (2014).

I. Evidence base

1. The Analytical Support and Sanctions Monitoring Team was able to visit Afghanistan only twice, in February and November 2014, owing to the elongated political transition in the country following the elections. The Team received regular updates in writing, however, from various agencies and security organizations of the Government of Afghanistan. In addition, the Team has worked, in coordination with the Government, on the nexus between the Taliban and criminal organizations since 2013 (see, for example, S/2013/656, paras. 45-48, and S/2014/402, paras. 49-57). In addition to using material provided by the Government, the Team has used official information publicly released by the Department of the Treasury of the United States of America on established cases of Taliban cooperation with criminal organizations in Afghanistan.

2. To broaden the evidence base, the Team has discussed various aspects of the present report with specialists of the United Nations Office on Drugs and Crime (UNODC) and of other United Nations sanctions expert panels. The Team also liaised with a range of international experts and organizations who work on the trade of precious and semi-precious gemstones. Finally, the Government of Afghanistan facilitated discussions between the Team and a range of private sector stakeholders in Afghanistan on the generation of assets by the Taliban.

II. Scope of the report

3. The Taliban skilfully use their ability to exert violence freely in any part of the country to extract revenue and significant assets from the Afghan economy (see, for example, S/2014/888, summary). This slows down economic and social development by enabling and supporting cooperation with criminal networks and by denying the Government and the people of Afghanistan an important share of potential economic benefits.

4. Since 2001, the Taliban have developed a complex, robust and multifaceted system for the generation of assets in Afghanistan and the region. They are increasingly acting more like "godfathers" than a "government in waiting". Consequently, the Taliban are no longer dependent on a single financial stream to fund their activities. Donations from benefactors outside Afghanistan continue to play a role in the finances of the group. It is unlikely, however, that the Taliban depend significantly on this financial stream. Inside Afghanistan, the Taliban generate assets from a multitude of sources. They do so through the cultivation of opium poppy and the production and transport of narcotics, as well as by investing in companies, engaging in money-laundering operations, kidnapping for ransom, extorting Afghan businesses, illegally exploiting natural resources and engaging in other criminal operations.

5. It is beyond the scope of the present report to outline all aspects of Taliban asset generation. The main aim is to highlight and give an overview of a key aspect of Taliban economic activity: the cooperation of the group with criminal networks operating inside Afghanistan. As this cooperation has been developing since 2001, it is beyond the capacity of one single report to map out a complete or even nearly complete overview of the full extent of Taliban cooperation with criminal organizations in Afghanistan. The report is therefore the first systematic effort by

the Team to assess this matter. As a first step, it aims to develop a broad typology on the basis of specific examples to guide the Team's future work. The Team will focus in part on cases of which the investigation and judicial process has already finished in order to avoid disrupting current investigative work by relevant authorities of the Government of Afghanistan or other Member States.

6. The cooperation between criminal groups and the Taliban using traditional criminal tactics such as money-laundering offers new, and as yet untapped, opportunities to bring Security Council sanctions to bear against listed individuals and entities in an effective way. In Afghanistan, large-scale, organized criminal activity straddles the illicit and licit economies, as well as the informal and formal financial systems. Criminal operations in Afghanistan frequently depend on using elements of the formal economy, such as company registers, bank accounts and property deeds. As Security Council sanctions measures present a global legal obligation, they are most effective if employed against these elements of the formal (and regulated) economy.

7. While it remains critical to continue to impose sanctions and to put pressure on the top leaders of the Taliban, the cooperation between the Taliban and criminal groups as well as the use of criminal tactics by elements of the Taliban present a long-term challenge for Afghanistan. Taliban members involved in criminal activities will not benefit politically or economically from a potential reconciliation between the Government of Afghanistan and the top leadership of the Taliban movement. Pressure must continue to be placed on them, both by the Afghan police forces and the Security Council sanctions regime. This is particularly true given the increasing command-and-control problems of the top leadership over groups within the movement (see, for example, S/2013/656, para. 13, S/2014/402, paras. 20-24, and S/2014/888, para. 22).

III. Taliban and narcotics

A. Relationship between the Taliban and narco-traffickers

8. The Taliban have a long-standing, close relationship with the illegal narcotics economy in Afghanistan. Already during the emergence of the Taliban movement at the beginning of the 1990s, observers noted a sudden steep rise in assets at the disposal of the Taliban and speculated on their origin. Many assumed that the increase in assets was caused solely by a spike in donations from private donors based in the Gulf countries. Others argued that the assets were generated by a Taliban-controlled "trucking mafia" in Afghanistan. Finally, critics of the Taliban accused regional and global stakeholders of directly financing the Taliban. Since then, a number of memoirs of former and current Taliban leaders have been published, clarifying the situation. These biographies clearly demonstrate that right from the start, the Taliban movement received crucial funding through narcotics cartels headed by three Noorzai tribe members: Hajji Bashar Noorzai, Hajji Birgit and Hafizullah Khan.[1] The funding by Hajji Bashar Noorzai was crucial to the movement, and Noorzai remained an important adviser to Mullah Omar, listed as

[1] Carlotta Gall, *The Wrong Enemy: America in Afghanistan, 2001-2014* (Houghton Mifflin Harcourt, New York, April 2014).

Mohammed Omar Ghulam Nabi (TI.O.4.01), until the end of the regime.[2] The Taliban regime's economic "czar", Maulavi Abdul Kabir, listed as Abdul Kabir Mohammad Jan (TI.A.3.01), cultivated a close relationship with Hajji Baghcho, a major figure in the Afghan narcotics economy from Nangarhar Province.

9. The relationship of narcotics traffickers with the Taliban has not been a constant one. During discussions with Afghan officials in Kabul in November 2014, the Team was informed that the ban on opium poppy cultivation promulgated by the Taliban in July 2000 for the 2001 harvest was based on a combination of factors: international pressure on the Taliban regime and ideological considerations, but also a market-induced desire to reduce supply. The fact that, right until the end of the Taliban regime in Afghanistan, the trade in opium poppy and the production of and trade in heroin remained legal in the "Islamic Emirate"[3] supports this interpretation. Many Afghan interlocutors have alleged that massive stockpiles of the 1999 and 2000 harvests were hoarded by leading Taliban members and sold at a significant profit in 2001. In addition, land titles of indebted farmers were collected by Taliban regime leaders and narcotics traffickers after farmers defaulted on previous credit given to them in expectation of higher opium poppy yields (see S/2014/402, para. 50).

10. After the fall of the Taliban, the narco-traffickers appeared to have distanced themselves from the Taliban and tried to work with those newly in power. Hajji Bashar Noorzai attempted to cooperate with the international forces, handing over weapons.[4] He was subsequently arrested in the United States,[5] convicted on heroin trafficking charges and sentenced to life in prison in 2009.[6] Most of the cartels behind these traffickers, including the networks of Hajji Bashar and Hajji Baghcho, remained active. Some Noorzai tribe members allege that the targeting by international forces of the narcotics trafficker Hajji Berget in 2002 drove them to support the Taliban again.[1] In Noorzai villages in the districts of Panjwai and Zherai, opium poppy is cultivated. Ten listed Taliban leaders come from these villages, and 12 others come from the neighbouring districts of Maiwand and Arghandab.[7] According to UNODC, the area under opium poppy cultivation in

[2] Carlotta Gall recounts how Hajji Bashar Noorzai spoke up against surrendering Kandahar in a meeting headed by Mullah Omar in late November 2001 in Maywand district, Kandahar Province.

[3] Name of the political structure of the Taliban regime in Afghanistan until 2001.

[4] James Risen, "An Afghan's path from US ally to drug suspect", *New York Times*, 2 February 2007.

[5] See, for example, Frank Shanty, *The Nexus: International Terrorism and Drug Trafficking from Afghanistan* (Santa Barbara, Praeger, 2011).

[6] Benjamin Weiser, "Afghan linked to Taliban sentenced to life in drug trafficking case", *New York Times*, 1 May 2009.

[7] The listed individuals from Panjwai are Mohammad Hassan Akhund (TI.H.2.01), Yar Mohammad Rahimi (TI.N.15.01), Nik Mohammad Dost Mohammad (TI.N.19.01), Ubaidullah Akhund Yar Mohammad Akhund (TI.A.22.01, deceased), Mohammad Ahmadi (TI.A.31.01), Sayed Mohammad Azim Agha (TI.A.57.01), Mohammad Wali Mohammed Ewaz (TI.M.78.01, deceased), Jan Mohammad Madani Ikram (TI.M.119.01), Abdul Manan Mohammad Ishak (TI.A.122.01) and Saleh Mohammad Kakar Akhtar Muhammad (TI.K.149.10). The listed individuals from Maiwand are Mohammed Omar Ghulam Nabi (TI.O.4.01), Akhtar Mohammad Mansour Shah Mohammed (TI.M.11.01), Gul Agha Ishakzai (TI.I.147.10), Ahmad Zia Agha (TI.A.156.12) and Mohammad Aman Akhund (TI.A.158.12). The listed individuals from Arghandab are: Sayyed Mohammed Haqqani (TI.H.6.01), Hidayatullah (TI.H.14.01), Abdul Jalil Haqqani Wali Mohammad (TI.A.34.01), Mohammadullah Mati, a.k.a. Mawlawi Nanai (TI.M.68.01), Atiqullah Wali Mohammad (TI.A.70.01), Abdul Rahman Agha (TI.A.114.01) and Hamidullah Akhund Sher Mohammad (TI.H.118.01).

Panjwai and Zherai rose from 150 ha in 2002 to 8,423 ha in 2014. In Maiwand, it rose from 1,090 ha in 2002 to 16,228 ha in 2014, making it the third-largest area under poppy cultivation in Afghanistan.[8]

11. Taliban involvement in the cultivation of opium poppy and in the production of and trafficking in narcotics in Afghanistan can be classified into two basic types of relationships between criminal organizations and the Taliban. The first type relates to the Taliban using networks of narcotics traffickers to generate assets. In its fifth report, the Team highlighted the case of Etehad Beverage Company Ltd., in Kandahar Province. In that case, Abdul Habib Alizai (TI.A.148.10), also known as Agha Jan Alizai, a Taliban involved in the illicit drug trade, used two other traffickers in Kandahar Province, Atiqullah Ahmady Mohammad Din and his brother Sadiq Ahmady, to manage his business and financial affairs. The brothers subsequently set up a range of companies in a classic money-laundering operation, funnelling the proceeds of the companies back to Abdul Habib Alizai (see S/2014/888, para. 55). A second case in this first type of relationship is that of Lahore Jan in Jalalabad, Nangarhar Province. On 11 February 2014, the Office of Foreign Assets Control of the United States Department of the Treasury designated Lahore Jan as a major drug kingpin and of being involved in moving money for the Taliban and other narcotics traffickers using his hawala business, the Lahore Jan Shanwari Exchange.

12. The second type of cooperation involves Afghan drug lords who use proceeds from the illegal trade in narcotics in Afghanistan to finance the Taliban. One of the most prominent cases in this second category involves Hajji Juma Khan, in Kandahar Province. Hajji Juma Khan was arrested in Indonesia in 2008, brought to New York and charged with conspiracy to distribute narcotics with intent to support a terrorist organization.[9] In 2009, his network, the Hajji Juma Khan Organization, was identified as a "significant foreign narcotics trafficker" pursuant to the United States Foreign Narcotics Kingpin Designation Act.[10] Furthermore, in 2011, the Office of Foreign Assets Control designated the New Ansari Money Exchange and a range of money service providers and companies in the Gulf as part of a large-scale money-laundering operation for, among others reasons, laundering the illicit proceeds of the Hajji Juma Khan Organization.[11] The designation of the New Ansari Money Exchange also shed light on a second significant financial supporter of the Taliban in southern Afghanistan, Hajji Azizullah Alizai, in Helmand Province. Alizai had been identified by the Office of Foreign Assets Control as a drug kingpin in 2007.[10] Alizai was also identified by the Team, in 2011, as one of the more prominent financers of the Taliban (see S/2012/683, footnote 40).

13. The Taliban does not receive financing only from drug traffickers in the southern provinces of Afghanistan. In Nangarhar Province, Hajji Baghcho, a major figure in the drug trade, has also cooperated with and financed the Taliban. In 2012, he was sentenced to life imprisonment for conspiring to distribute heroin in the United States

[8] The only two districts with a larger area under poppy cultivation are Nad Ali/Marja (22,256 ha) and Nahr-i-Siraj (16,984 ha) in Helmand. See UNODC, *Afghanistan Opium Survey 2014: Cultivation and Production*.

[9] United States District Court for the Southern District of New York, *United States of America v. Haji Juma Khan*, Sealed Indictment S1 08 Cr. 621.

[10] United States Department of the Treasury Office of Foreign Assets Control, "An overview of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. '1901-1908, 8 U.S.C.' 1182) and Executive Order 12978 of October 21, 1995", June 2010.

[11] Ibid., "Treasury designates New Ansari Money Exchange", 18 February 2011.

and for using drug proceeds to fund, arm and supply the Taliban. United States District Judge Ellen Huvelle in the District of Columbia ordered Baghcho to forfeit $254 million in drug proceeds, along with his property in Afghanistan.[12] According to the investigation leading to the conviction, Baghcho used a portion of his drug proceeds to provide cash, weapons and other supplies to the former Taliban governor of Nangarhar Province and two Taliban commanders responsible for insurgent activity in eastern Afghanistan, so that they could continue their "jihad" against western troops and the Government of Afghanistan.[13] Baghcho was able to generate significant profits from the drug trade. It is estimated that his profits in 2006 alone amounted to around $250 million.[14]

14. In 2011, Shah Mohammad Barakzai was captured by Afghan forces and convicted for drug trafficking.[15] His network was based in Gereshk, Helmand Province, and was involved in cultivation, production and trade aspects of the narcotics trade. Hajji Baz Mohammad controlled the cultivation, "Doctor" Abdul Hadi oversaw the processing of opium into heroin and Mohammad Wali in Kandahar laundered money through his two hawalas, the New Ahmadi Ltd. and the Mohammad Wali Money Exchange.[16] According to Afghan officials, Shah Mohammad Barakzai was also involved in financing the Taliban in Helmand Province.[17]

15. A criminal syndicate headed by Hajji Fatah Ishaqzay based in Helmand Province may be considered as a good example of a major trader in the narcotics business that has provided financial and in-kind donations to the Taliban. Members of the Ishaqzay syndicate have close relatives fighting with the Taliban. In addition, a hospital run by the syndicate offers free treatment to Taliban fighters. The syndicate provides most of its support through Akhtar Mohammad Mansour Shah Mohammed (TI.M.11.01) and Abdul Habib Alizai.[18]

16. In 2012 and 2013, the following were identified and prosecuted by the Government of Afghanistan: Hajji Ghulam Hazrat, Hajji Bakhtawar, Hajji Issa, Hajji Lal Jan, Hajji Amir Gul, Hajji Aman (alias Lala Khan), Fateh Khan, Hajji Sarwar and Saifullah.[19] The highest-profile narcotics trafficker recently prosecuted in Afghanistan is Hajji Lal Jan. He was captured and convicted in January 2014 but managed to break out of jail shortly after conviction.[20] Hajji Lal Jan is an individual who has been

[12] United States Department of Justice, "Haji Bagcho sentenced to life in prison on drug trafficking and narco-terrorism charges", 12 June 2012.

[13] United States Department of Justice, "Haji Bagcho convicted by federal jury in Washington, D.C., on drug trafficking and narco-terrorism charges", 13 March 2012.

[14] See Lalit K Jha, "Afghan drug lord jailed for life in US", *Pajhwok Afghan News*, 13 June 2012. See also United States District Court for the District of Columbia, *United States of America v. Haji Bagcho*, Government's memorandum in aid of sentencing, Crim. No. 06-334 (ESH), 4 June 2012.

[15] Lalit K Jha, "US slaps sanctions on Afghan drug lords", *Pajhwok Afghan News*, 21 June 2012.

[16] United States Department of the Treasury Office of Foreign Assets Control, "Treasury sanctions Afghan narcotics trafficking network", 20 June 2012. See also Lalit K Jha, "US slaps sanctions" (see footnote 15).

[17] Monitoring Team discussion with Afghan officials, Kabul, November 2014.

[18] Monitoring Team discussions with Afghan officials, 2012.

[19] See, for example, Meer Agha Nasrat Samimi, "Powerful drug lords nabbed last year", *Pajhwok Afghan News*, 28 March 2013.

[20] See, for example, Tamim Hamid, "From a Kabul prison to a house in Quetta: Helmand violence funder's spoor", *The Afghanistan Express*, 12 August 2014. This Afghan newspaper was singled out for alleged blasphemy in October 2014, and large-scale demonstrations forced its editor to flee Afghanistan.

involved in both narco-trafficking and the Taliban movement. He is the most important financier of Taliban fighters in Sangin district, Helmand Province.[21] As outlined in the Team's fifth report, the Taliban have been trying to wrest control over this district for a number of years and mounted significant military operations to this end in 2014 (see S/2014/888, para. 9). Consequently, Hajji Lal Jan is considered to be a very important drug lord who holds an important stake in the Taliban movement in Helmand Province.

B. Assets generated by the Taliban directly from narcotics

17. In addition to cooperating with narco-traffickers, the Taliban tap into the supply chain at each stage of the narcotics trade (cultivation, production and trafficking) in Afghanistan. In its fourth report, the Team wrote that the Taliban were collecting 10 per cent of the proceeds from opium cultivation as *ushr* ("land tax") from farmers in Helmand Province (see S/2014/402, para. 50, and S/2012/683, para. 37). During the Team's discussions with relevant officials from the Government of Afghanistan over the past few years, it has become clear that this is not a phenomenon limited to Helmand Province alone. Whenever the Taliban are able to exert pressure through violence over the local population, they will "tax" farmers.[22] However, research has also demonstrated that this "taxation" is not uniform but complex and that it varies according to local circumstances.[23]

18. The Taliban does not generate revenue only by levying *ushr* on the cultivation of opium poppy. Even in provinces classified as "poppy-free" the Taliban are involved in narcotics. In the south-east of Afghanistan, the Taliban taxed the marijuana harvest of Paktia Province in 2012 and 2013, deploying mobile teams on motorcycles to collect cash from cultivators, depending on the size of their marijuana fields.[24]

19. Finally, Taliban influence is positively correlated not only with the cultivation of opium poppies but also with the presence of drug laboratories. Afghan officials have pointed out to the Team that Taliban training camps are sometimes located near heroin laboratories.[24] This phenomenon was also noted by Afghan police authorities in February 2014, during fighting in Deshu.[25] In a second example, the fighting that took place in mid-2014 in Helmand Province centred on the district of Sangin. Afghan security officials explained to the Team that one reason for the sustained efforts by Taliban groups (in part financed by Hajji Lal Jan) to gain control of the district was the network of heroin laboratories located there.[26]

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[21] Monitoring Team discussions with a high-ranking Afghan security official, Kabul, November 2014.

[22] See, for example, Gretchen Peters, *How Opium Profits the Taliban* (United States Institute of Peace, August 2009).

[23] See, for example, David Mansfield, "'From bad they made it worse': the concentration of opium poppy in areas of conflict in the provinces of Helmand and Nangarhar" (Afghanistan Research and Evaluation Unit, May 2014).

[24] Monitoring Team's discussion with Afghan officials, November 2014.

[25] See, for example, Shams Jalal, "Taliban run training camps near Pak border", *Pajhwok Afghan News*, 12 February 2014.

[26] Monitoring Team discussion with Afghan security officials, Kabul, November 2014.

20. Trafficking opium and heroin out of Afghanistan significantly increases the value of the drugs and is therefore central to the generation of assets within the illegal narcotics economy. Here too, the Taliban profit. According to Afghan officials, the Taliban are one of the major guarantors for the trafficking of raw opium and heroin out of Afghanistan.[27]

21. Hajji Kotwal Noorzai has been the head of a major Afghan drug trafficking network. He owned several heroin processing laboratories in Helmand and Farah Provinces. He has also controlled drug compounds in countries neighbouring Afghanistan and in the Gulf. In early 2008, Hajji Kotwal was in close contact with Taliban groups concerning the provision of logistical and financial support. He purchased weapons and transported them to Taliban fighters. In return, the opium poppy crops controlled by Hajji Kotwal inside Afghanistan remained undisturbed by the Taliban. In addition, the Taliban facilitated the transport of narcotics through Helmand Province and across the border of Afghanistan. Hajji Kotwal was appointed by the Taliban's Quetta Shura[27] to collect zakat (charity) from other narcotics traffickers operating in Girdi Jangle. In return, Taliban fighters provided security for Hajji Kotwal's drug shipments. On 19 May 2009, approximately 3,150 kg of opium belonging to him were destroyed in an operation in Afghanistan. On 31 May 2013, Hajji Kotwal Noorzai was designated as a significant foreign narcotics trafficker by the Government of the United States.[28]

IV. Taliban and the illegal exploitation of natural resources

22. Natural resource exploitation is central to the future economic development of Afghanistan. In the inauguration speech he gave on 29 September 2014, the President of Afghanistan, Ashraf Ghani Ahmadzai, emphasized that the country's "important location, waters, natural and human resources will bring about a profound economic change in the country". This topic has generated a significant amount of literature from a wide range of organizations.[29] A growing amount of literature has also examined the issue of governance inside Afghanistan and the exploitation of natural

[27] Also known as the Kandahar Shura. "Quetta Shura" is a term commonly used to describe the most senior Taliban leadership but does not refer to any fixed geographical location.

[28] Financial Action Task Force, "Financial flows linked to the production and trafficking of Afghan opiates", June 2014.

[29] See, for example: Oli Brown and Erin Blankenship, *Natural Resource Management and Peacebuilding in Afghanistan* (United Nations Environment Programme, May 2013); Renard Sexton, *Natural Resources and Conflict in Afghanistan: Seven Case Studies, Major Trends and Implications for the Transition* (Afghanistan Watch, July 2012); Abdul Ghafar Rassin, *A Comprehensive Study of Marble Industry in Afghanistan* (Afghanistan Investment Support Agency, Kabul, April 2012); Melissa Skorka, "Afghanistan's untold success story", *Foreign Policy*, 22 October 2013; and Mining Communication Ltd, "*Mining Journal Special Publication Afghanistan*", London 2006.

resources.[30] While most of this literature mentions the security situation, a systematic breakdown of how the Taliban generate assets from the exploitation of natural resources has not been attempted.

23. It is now possible to make a fairly detailed assessment, on the basis of research and interaction with government officials, non-governmental sector specialists and private sector stakeholders in Afghanistan.[31] Current information available to the Team indicates that Taliban penetration of the natural resources sector is deep and that extortion in that sector is fairly pervasive. Private stakeholders informed the Team that the Taliban and other groups regularly threaten mining and extractive companies across the country. In one instance, a government-licensed mining operation had to be stopped because it had been threatened simultaneously by representatives of the Taliban, the Haqqani Network (TE.H.12.12) and elements of the Hizb-I-Islami Gulbuddin, a group led by Gulbuddin Hekmatyar (QI.H.88.03). All three groups threatened violence unless the company was willing to pay them and demanded that the company not pay taxes to the Government of Afghanistan or other, competing, groups. Since this presented an unsolvable challenge for the company, it ceased operations altogether. The company is currently unable to fulfil its obligations under its government licence. Control for the resources in the area are now being fought over by the three groups (the Taliban, the Haqqani Network and Hizb-I-Islami Gulbuddin.[32]

24. In the extractive sector, three major types of Taliban involvement exist. In the first, the Taliban seem to be directly involved in the extraction of natural resources in the country. In the second, the Taliban extort or try to extort assets from government-licensed and unlicensed mining operations. In the third, the Taliban are acting as "service providers" for unlicensed mining operations in the country.

25. In the first type of involvement, the Taliban, owing to their sustained presence and control over a particular territory, are involved in the extraction of the natural resources. In its fourth report, the Team highlighted the direct involvement of the Taliban in the mining of onyx marble in the southern part of Helmand Province. In the marble-rich southern part of the province, the Taliban have direct control over at least 35 active mining operations through which they extract a sizable amount of onyx marble, smuggle it out of the country and inject it, with the use of forged documents of origin, into the global onyx marble market (see S/2014/402, paras. 51-55).

26. In such situations, the Taliban generate the maximum amount of profit. To be able to operate in this manner, however, it is necessary to have direct and sustained control over the territory in which the mines are located as well as the routes through which explosive materials for the mines can be supplied and through which the onyx marble can be smuggled out of the country. The Taliban also benefit, however, from the extraction of natural resources, semi-precious and precious gemstones despite

[30] See, for example: Matthew P. Dearing and Cynthia Braden, "Robber barons rising: the potential for resource conflict in Ghazni, Afghanistan", *Journal of Security and Development*, vol. 3, No. 1 (2014); Wilton Park, "Beyond extractive sector transparency: driving prosperity and stability through good governance", conference report (March 2014); Integrity Watch Afghanistan, "Chromite extraction in Kunar, factor of [in]stability: case study" (November 2013); Global Witness, *Building for the Long Term: Avoiding the Resource Curse in Afghanistan* (Kabul, February 2014); and Angela Hawken and Jonathan Kulick, *Comparative Study of Mining-Sector Governance* (Integrity Watch Afghanistan, Kabul, 2014).

[31] These contacts were facilitated by the Government of Afghanistan.

[32] Discussion with Afghan private sector stakeholders, Kabul, November 2014.

being unable to control, in a sustainable manner, the territory where these resources are located. In these areas, the second type of Taliban involvement can be observed. Here, they extort assets from mining operations using their capability to create insecurity and to inflict targeted violence on companies and private sector stakeholders.

27. One example of this second type is the situation surrounding the lapis lazuli mines in the Kuran wa Munjan district in Badakhshan Province. This southern district of Badakhshan holds no particular military or political significance for the Taliban movement. According to official data from the Government of Afghanistan, the district population is nearly 100 per cent Tajik,[33] which indicates that the district can be considered a stronghold of forces opposing the Taliban. Nevertheless, the Team observed regular and sustained military efforts by the Taliban to retain control of the roads providing access to the lapis lazuli mines in 2013 and 2014.[34] Currently, the mine is exploited by various individuals who do not hold an official licence from the Government of Afghanistan.

28. According to sector specialists consulted by the Team in Kabul in November 2014, the Taliban extort around $1 million annually from individuals wishing to exploit the mines in Kuran wa Munjan. These individuals are willing to pay this amount in exchange for being allowed to mine without fear of Taliban attacks. In addition, the Taliban extort on average 60,000 afghanis (around $1,200) per truck of mined lapis lazuli once it is transported away from the mines. Although no official government data is currently available on the amount of lapis lazuli mined per year, industry specialists assume the total to be between 200 and 300 trucks per year. Consequently, one estimate suggests that the Taliban are able to earn an additional $240,000-$360,000 per year from the transport operations.[35]

29. While the amounts that the Taliban are able to extort from lapis lazuli mining in Kuran wa Munjan do not seem particularly large, it is important to keep in mind that this district houses the most prolific lapis lazuli mines of the country. Therefore, Taliban extortion activities are based at the centre of lapis lazuli mining in Afghanistan. They are denying the Government of Afghanistan most of the income from this resource. A similar extortion operation seems to hinder the mining of chromite in Logar, Wardak, Paktika and Khost. In one case, currently unconfirmed information provided to the Team points to a Taliban share of around two thirds of all proceeds from unlicensed chromite mining in Paktika.[35]

30. In the third type of Taliban involvement in the extractive sector in Afghanistan, local Taliban groups act as quasi "service providers" for unlicensed mining operations. For example, there are unlicensed ruby mining operations in Jagdalak, Kabul Province. Here, the Taliban seem to act as facilitators of the mining operations, providing "security" by preventing government forces from taking control of the area surrounding the mines. For this "service", the Taliban demand around 15 per cent of the proceeds from the various mining operations. This money is channelled directly to the Taliban leadership outside the country. Since these mining operations are not officially licensed, no government data exists concerning

[33] Ministry of Rural Rehabilitation and Development of Afghanistan, "Summary of district development plan, Keran wa Menjan district, Badakhshan Province", May 2008.

[34] Monitoring Team discussions with Afghan security officials in 2013 and in February and November 2014.

[35] Monitoring Team discussion with sector specialist, Kabul, November 2014.

the amount of rubies mined in Jagdalak. However, industry specialists estimate that the total proceeds from unlicensed ruby mining in Jagdalak could be as high as $16 million annually.[36] In addition to the money paid to the Taliban in order to limit state control, local Taliban groups earn an additional "fee" for transporting these illegally mined rubies through Afghanistan and across the border.[37] These local Taliban groups are reported to charge 20 per cent of the proceeds to transport the stones. Finally, the Taliban "smuggling service" for unlicensed precious stones seems to extend to the transportation of illegally mined emeralds from northern Afghanistan[38] at similar costs to the transport of rubies.[39]

V. Taliban and kidnapping for ransom

31. The use of abductions by the Taliban to generate assets demonstrates the network's drive to become, at least in part, a crime cartel in spite of the fact that publically the Taliban propaganda apparatus attempts to portray a different picture of the movement. In the past three editions of the Taliban "internal guidelines" (*layeha*) it is stressed that abduction for ransom should not be carried out.[40] Nevertheless, between 2003 and 2014 the Taliban regularly abducted Afghans and foreigners in Afghanistan in increasing numbers. This was frequently done by a small Taliban group stopping public transport vehicles on a main road and pulling out individuals they believed to be unsupportive of the insurgency. While some of those individuals would be executed on the spot, most were held nearby so that ransom payments could be extracted from their relatives. Starting in 2005, the road between Kandahar and Herat, and then starting in 2006, the road between Kabul and Kandahar, were regularly targeted.[41] In the overwhelming majority of cases, the release involved the intervention of local elders and peer community pressure, exposing the local roots of most Taliban units.

32. Early abductions were mostly hit-and-run operations that focused on the personal belongings of the victims and had more the character of banditry with political overtones. At noon on 11 March 2005, on the main road near Gereshk district, Helmand Province, the Taliban, under orders from Mullah Akhtar Osmani (former Taliban military commander, deceased on 19 December 2006), abducted four Albanian citizens working for Ecolog, a company supporting the International Security Assistance Force, and shot them on the same day. The Taliban perpetrators wore police uniforms.[42] In another case, on 27 December 2005, two Afghans employed by international military forces in Qalat city in Zabul Province were abducted in broad daylight in the main market area, close to the base of the Provincial Reconstruction Team. They were reportedly carrying more than $5,000

[36] The worldwide ruby market is reportedly absorbing smaller amounts of Afghan rubies at the moment, as other production countries have a higher and cheaper output. The actual revenue therefore might be lower. Monitoring Team discussion with sector specialists, New York, 28 July 2014.

[37] See, for example, *Pajhwok Afghan News*, "Jagdalak rubies end up in Peshawar", 14 April 2014.

[38] See, for example, *Pajhwok Afghan News*, "Panjsher emerald mine in a state of neglect", 16 September 2014.

[39] Monitoring Team discussions with Afghan security officials and sector specialists, Kabul, November 2014.

[40] The original text of these guidelines from 2009, 2010 and 2013 are with the Monitoring Team.

[41] Monitoring Team discussion with Afghan security officials, 2013.

[42] Information provided by the Government of Afghanistan.

with them. The abductors told bystanders that 300 Taliban had deployed to Qalat and would kill anyone cooperating with foreigners in the province. The incident essentially closed the city for most of 27 and 28 December 2005. The two individuals' bodies were not found.[42]

33. In most cases, the Taliban also used this tactic to demonstrate their influence over a particular area and coerce locals into acknowledging their influence. Communities resistant to Taliban influence were singled out. On 28 June 2005, the Taliban kidnapped the son of a large Hazara landowner in Khalaj, Gizab district, Urzgan Province. In order to release his son, the landowner had to provide the local Taliban with weapons and ransom money, as well as to recognize their "authority".[41] On 25 November 2006 in Shahwali Kot district, Kandahar Province, the Taliban abducted 12 locals in an attempt to coerce their relatives to support the insurgency. On 21 November 2006, in Baghran district, Helmand Province, the Taliban abducted two Pakistani journalists claiming they lacked "the appropriate papers for entering Afghanistan" and released them five days later, unharmed.[42]

34. After the first presidential election in Afghanistan was held in 2004, three United Nations election workers were abducted in Kabul on 28 October 2004. The abduction was performed by a small group of professional criminals who subsequently contacted the Taliban faction "Jaish-ul-Muslimeen" led by Sayyid Akbar Agha. Public demands made by the group included the withdrawal of international military forces and the release of two dozen Taliban prisoners, among other political goals. By contrast, the actual negotiations focused solely on a ransom of allegedly $3 million, which was never actually paid.[43] Confusion among the group holding the hostages and increasing pressure by Afghan security forces on the gang in Kabul led to the release of all three hostages on 23 November 2004. Pakistan arrested Sayyid Akbar Agha in his flat in Karachi in January 2005 and extradited him to Afghanistan.[44]

35. The group responsible for the 2004 abduction in Kabul was led by Najibullah, son of Abdullah, also known as Ra'is Khudaidad, a native of Khost Province. During the years following the abduction, the group continued to engage in robberies, burglaries and abductions. Najibullah and his gang targeted rich Afghan businessmen and foreign aid workers and agencies (including a micro-lending agency). The network also assassinated a police officer in Kabul and assisted the Haqqani Network in gathering information in preparation of attacks. In at least one case, it attempted to abduct a foreigner and to provide this hostage to the Haqqani Network. Ra'is Khudaidad was captured by Afghan security forces in September 2014.[42]

36. Since 2005, the number of international hostages taken by the Taliban purely to generate revenue has increased, with ransoms reportedly paid in a number of instances. The total sum paid is estimated to amount to at least $16 million, although the Taliban has claimed to have received more than $20 million.[41] Major Taliban figures who have been involved in kidnappings for asset generation since

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[43] Information provided by the Afghan Government. See also Sayyed Mohammad Akbar Agha, *I am Akbar Agha: Memories of the Afghan Jihad and the Taliban* (Berlin, First Draft Publishing, 2013).

[44] Sayyid Akbar Agha was convicted by the Supreme Court of Afghanistan to 16 years of imprisonment. He was pardoned by President Hamed Karzai and released on 2 April 2010 under the condition that he would remain in Kabul. In May 2014, he launched another political movement, called "Afghanistan's road to salvation".

2005 are Mullah Matin (deceased on 4 September 2007), Mullah Abdullah Jan (shadow district governor of Qarabagh, deceased on 18 September 2007), Mullah Sadr Ibrahim, Mullah Nasir and Mullah Nizamuddin (deceased on December 2007).[41]

37. Increasingly in kidnapping cases, the mantle of ideological conflict and political demands are used by the Taliban or criminal groups acting on their behalf to cover up the extraction of ransom payments. The victims in the first years of the insurgency were exposed by having contracts with the Government or the international community or by belonging to ethnic or tribal groups seen as not supportive of the Taliban. Over time, however, the abductors shifted their focus from using abductions as an instrument of intimidation and terror to targeting financially valuable international targets or financially well-off local Afghans from whom increased ransoms could be expected.[45]

38. In one example from early 2013, a well-to-do merchant from Gardez in Paktia Province was abducted on the road to Logar Province. He had never been in contact with the Government or international military forces. His abductors transferred him to north Waziristan, Pakistan. His relatives negotiated with Abdul Latif Mansur (TI.M.7.01), the shadow governor of the Taliban for Paktia Province. In the end, the victim was released only after a sizable ransom was paid to the Taliban. The victim reported after his release that he was held by specialized hostage takers who were not members of the Taliban.[45]

VI. Taliban and other forms of organized crime

39. In addition to being involved in the illegal narco-economy, in the extractive sector and in kidnapping for ransom, a general survey of organized crime in Afghanistan reveals the presence of a multitude of groups ranging from urban-centred abduction gangs to rural bandits, as well as gangs that specialize in human trafficking and illegal immigration, including of Afghans wanting to go abroad, for example to work in Europe.[46] Monitoring Team discussions with relevant officials of the Government of Afghanistan have outlined the close connection between the Taliban and organized crime in Afghanistan at several levels. At the most basic level, the insecurity generated by Taliban military and terrorist operations hinders the work of Afghan police forces in fighting general crime in the country.[47]

40. In addition to this low-level connection between the Taliban and criminal activities, there are also examples of the strategic use of criminal tactics by the Taliban, such as money-laundering operations through front companies, starting even before their ouster from power in Afghanistan in 2001. The most prominent case in this category is that of Hajji Abdul Baqi Bari (also known as Ra'is Abdul Bari). Bari was designated for being a Taliban financier by the Office of Foreign Assets Control in 2012.[48] From very early on, Bari acted as one of the major money-launderers for the Taliban leadership. For example, during the Taliban regime, the Taliban

[45] Monitoring Team discussion with international kidnapping for ransom specialist, 2013.

[46] Crime statistics of Afghanistan for 2013-2014 provided to the Monitoring Team by Afghan government officials, Kabul, November 2014.

[47] Monitoring Team discussion with high-ranking Afghan police officials, Kabul, November 2014.

[48] United States Department of the Treasury Office of Foreign Assets Control, "Treasury imposes sanctions on individuals linked to the Taliban and Haqqani Network", 17 May 2012.

transferred $2.8 million to Bari from an account in Europe in order to prevent those assets from being frozen.[49]

41. In 2002, building on this established and trusted relationship, Mullah Omar and Usama bin Laden (deceased in 2011) provided Bari with over $160 million to launch a range of front companies inside and outside Afghanistan to prevent the new Government of Afghanistan from freezing those assets.[48] In 2006, Pakistani media reported the freezing by Pakistani government authorities of 31 individual bank accounts and an additional 15 bank accounts linked to two companies in Pakistan controlled by Bari.[48] These operations by Pakistani security forces point to the significant size of Bari's money-laundering operations for the Taliban leadership outside of Afghanistan. The case of Bari also emphasizes the challenge that Taliban cooperation with professional money-launderers presents to financial regulators in Afghanistan and the region. The Team will continue to engage, in a systematic manner, in relevant initiatives of the Financial Action Task Force and in the second pillar of the Paris Pact initiative of UNODC, which focuses on detecting and blocking financial flows linked to the traffic in opiates.

42. As the case of Hajji Abdul Baqi Bari shows, the Taliban have an established history of using criminal tactics to avert potential pressure from sanctions measures. It must be expected that the Taliban and criminal groups cooperating with them will continue to react flexibly to the imposition of sanctions. Therefore, it seems necessary that the Security Council Committee established pursuant to resolution 1988 (2011) be kept up-to-date on the latest developments in this area.

43. **The Monitoring Team recommends that the Committee mandate the Team to issue, in close cooperation and coordination with the Government of Afghanistan, regular updates that are confidential to the Committee, as appropriate, to keep track of the latest developments in this area, highlight potential vulnerabilities in Taliban efforts to generate assets and develop potential recommendations on how to counter this threat.**

VII. Developing potential countermeasures

44. As mentioned throughout the present report, Taliban cooperation with criminal groups inside Afghanistan and the use by the Taliban of criminal methods and tactics, such as extortion and money-laundering, is a significant challenge for Afghan police forces and the Afghan judiciary. Since 2013, Afghanistan has steadily increased its cooperation with the International Criminal Police Organization (INTERPOL). For example, the National Central Bureau of INTERPOL in Afghanistan has recently electronically connected the country's four international airports and its 11 official land border crossings directly to the central INTERPOL databases in Lyon, France. This enables Afghan border guards at these airports and border crossings to check individuals entering the country against information contained in the various INTERPOL notices and databases.[50] In addition, the National Central Bureau of INTERPOL in Afghanistan regularly utilizes the INTERPOL-United Nations Security

[49] See, for example, Bill Roggio, "US adds Taliban financier, Haqqani Network operative to terror list", *The Long War Journal*, 17 May 2012.

[50] Monitoring Team discussion with the National Central Bureau of INTERPOL in Afghanistan, Kabul, November 2014.

Council Special Notices to check travellers entering the country.[51] As a global organization of police forces, INTERPOL offers tools for countering the threat posed by Taliban cooperation with organized crime. In addition, INTERPOL instruments have the potential to effectively augment pressure exerted through Security Council sanctions measures against listed individuals and entities.

45. The Team, in cooperation and coordination with the Government of Afghanistan, as well as the National Central Bureau of INTERPOL in Afghanistan, will work to develop a range of specific and feasible recommendations focusing on countering the threat of Taliban cooperation with organized crime in Afghanistan. The Team will report on them to the Committee in due course.

Contributing to the public debate

46. The Team would welcome feedback on the analysis and suggestions contained in the present report, which can be sent to 1988mt@un.org.

[51] Statistics provided regularly by INTERPOL to the Secretariat.

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Security Council

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Letter dated 2 February 2015 from the Ombudsperson to the President of the Security Council

I have the honour to submit herewith the ninth report of the Office of the Ombudsperson, pursuant to paragraph 20 (c) of annex II to Security Council resolution 2161 (2014), according to which the Ombudsperson shall submit biannual reports to the Council summarizing her activities. The report describes the activities of the Office of the Ombudsperson in the six months since the previous report was issued, covering the period from 1 August 2014 to 31 January 2015.

I would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Kimberly **Prost**
Ombudsperson

15-01313 (E) 250215

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Report of the Office of the Ombudsperson pursuant to Security Council resolution 2161 (2014)

I. Background

1. The present report provides an update on the activities undertaken by the Office of the Ombudsperson since the issuance of the eighth report of the Office (S/2014/553) on 31 July 2014.

II. Activities related to delisting cases

General

2. The primary activities of the Office of the Ombudsperson during the reporting period related to delisting requests submitted by individuals and entities.

Delisting cases

3. During this reporting period, six new cases were submitted to the Office of the Ombudsperson. All six petitions were accepted. The total number of delisting petitions submitted since the establishment of the Office is 61 as at 31 January 2015. Unless the petitioner requests otherwise, all names remain confidential while under consideration and in the case of denial or withdrawal of a petition.

4. In total, the Ombudsperson has submitted 52 comprehensive reports to the Security Council Committee pursuant to resolutions 1904 (2009), 1989 (2011), 2083 (2012) and 2161 (2014) concerning Al-Qaida and associated individuals and entities since the Office was established. During the reporting period, she submitted four reports and appeared before the Committee on four occasions to present four cases.

5. Since the issuance of the eighth report, three individuals[1] and one entity[2] have been delisted through the Ombudsperson process.

6. Cumulatively, since the Office was established, 51 cases[3] involving requests made to the Ombudsperson by an individual, an entity or a combination of both have been resolved through the Ombudsperson process or through a separate decision of the Committee.[4] In the 48 cases fully completed through the Ombudsperson process, 37 individuals and 28 entities have been delisted, one entity has been removed as an alias of a listed entity, six delisting requests have been refused and one petition has been withdrawn. In addition, three individuals were delisted by the Committee before the Ombudsperson process was completed. A description of the status of all of the cases, as at 31 January 2015, is contained in the annex to the present report.

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[1] Wa'el Hamza Abd al-Fatah Julaidan, Aqeel Abdulaziz Aqeel al-Aqeel and Ismail Mohamed Ismail Abu Shaweesh.

[2] Al-Haramain Foundation (United States of America).

[3] In one case, the petition was withdrawn after the comprehensive report was submitted, and therefore the matter was not decided upon through the Ombudsperson process or otherwise.

[4] This figure includes three individuals delisted by the Committee before the Ombudsperson process was completed.

7. There are seven cases pending before the Ombudsperson in the information-gathering or dialogue phase, and two which are before the Committee for consideration at the time of preparation of this report. The six requests submitted to the Office during the reporting period were presented by individuals. To date, in total, 53 of the 61 cases have been brought by individuals, two by an individual together with one or more entities and six by entities alone. In 32 of the 61 cases, the petitioner is or was assisted by legal counsel.

Gathering of information from States

8. In the six new cases, 20 requests for information have been sent so far, to 14 States. With respect to the four cases for which comprehensive reports were submitted to the Committee during the reporting period, there were two instances when a State from which information had been requested failed to respond. However, that State was not a State of residence/nationality or a designating State. In addition to the responses received from States to which requests were specifically directed, some Committee members provided information as a result of the general circulation of petitions.

9. During the reporting period, the Ombudsperson met on three occasions with officials in capitals on specific cases to gather information directly.

10. Paragraph 3 of annex II to resolution 2161 (2014) provides the Ombudsperson with the discretion to shorten the information-gathering period in cases where all the designating States consulted do not object to delisting. The Ombudsperson was able to do so in one case during the reporting period.

Dialogue with the petitioner

11. During the six months under review, the Ombudsperson interacted with all petitioners during the dialogue phase of pending cases, including through e-mail exchanges, telephone discussions and face-to-face interviews. During the reporting period, the Ombudsperson travelled to interview three petitioners in person.

Provision of comprehensive reports to interested States

12. As noted in the eighth report, resolution 2161 (2014) introduced the possibility to disclose information to interested States which are not members of the Committee. Paragraph 13 of annex II stipulates that, if requested, the Ombudsperson may provide a copy of the comprehensive report to an interested State (designating State, State of nationality, residence or incorporation) with the approval of the Committee and any redactions needed to protect confidential material. In the reporting period, the Ombudsperson received three requests for disclosure from States. To date, one of these has been approved by the Committee and transmitted, while two were pending at the time of this report.[5]

Access to classified or confidential information

13. One new arrangement for access to classified or confidential information was entered into during the reporting period, with Ireland. To date, there is one formal agreement with Austria and 14 arrangements with Australia, Belgium, Costa Rica,

[5] The remaining requests are pending before the Committee or the Ombudsperson.

Finland, France, Germany, Ireland, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Portugal, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

14. Further progress on expanding the list, in particular to other States often involved in the Ombudsperson process, is urgently needed and discussions are ongoing with a number of States in this regard.

III. Summary of activities related to the development of the Office of the Ombudsperson

General

15. Activities to further develop and strengthen the Office of the Ombudsperson continued during the reporting period to the extent possible.

Outreach and publicizing of the Office

16. The Ombudsperson participated in some outreach activities, as far as possible given the limitations on time and resources.

17. In September, the Ombudsperson delivered a lecture at the University of Manitoba Law School in Winnipeg, Canada, on fair process and the Al-Qaida sanctions Committee. Later that month, she participated in a regional workshop of the Asia/Pacific Group on Money Laundering held in Jakarta, delivering a presentation on the Office of the Ombudsperson and exchanging views with participants regarding implementation of Recommendation 6 of the Financial Action Task Force on targeted financial sanctions. In October, the Ombudsperson chaired a panel at the annual meeting of legal advisers held in New York on the topic "United Nations Security Council targeted sanctions and individual rights". In November, the Ombudsperson met with Parliamentarians in Berlin to discuss the work of her office. Under the joint sponsorship of the Institute for International Peace and Security Law, the University of Cologne and the Fritz Thyssen Stiftung and at the invitation of the Chair for German and International Criminal Law at the University of Cologne, she delivered a lecture in Cologne on 13 November entitled "Security Council sanctions and the rule of law: the role of the Ombudsperson under Security Council resolution 2161 (2014)". In December, the Ombudsperson provided a briefing for new members of the Security Council.

18. The Ombudsperson was an active participant in the meetings on the high-level review of sanctions in the latter half of 2014. The Ombudsperson attended meetings of all three Working Groups and was invited to make oral presentations to Working Groups 1 and 2. She also provided written submissions to all three Working Groups.

Interaction with the Security Council and the Committee pursuant to resolutions 1267 (1999) and 1989 (2011)

19. On 23 October 2014, the Ombudsperson provided an oral briefing to the Security Council during the open debate on working methods of the Security Council.

20. Since 1 August 2014, the Ombudsperson has appeared before the Committee on four occasions to present four cases: on 26 August in the case of Al-Haramain

Foundation (United States of America) (delisted; formerly QE.A.117.04.), on 31 October in the case of Aqeel Abdulaziz Aqeel al-Aqeel (delisted; formerly QI.A.171.04.), on 16 December in the case of Ismail Mohamed Ismail Abu Shaweesh (delisted; formerly QI.A.224.06.) and on 29 January 2015 with reference to a case which is still pending decision. In addition, the Ombudsperson provided a number of written updates to the Committee in relation to various cases as they progressed through each phase.

21. As previously, the Ombudsperson and staff in her Office have continued to engage regularly with the Coordinator and members of the Monitoring Team. The Team has continued to provide relevant information in accordance with paragraph 4 of annex II to Security Council resolution 2161 (2014). During this reporting period the Team has also given expert advice on issues relevant to particular requests.

Liaison with States, intergovernmental organizations, United Nations bodies and non-governmental organizations

22. The Ombudsperson and staff in her Office continued to interact with States during the reporting period, in particular States of relevance to the pending delisting petitions. In this reporting period the Ombudsperson and staff in her Office also had several bilateral meetings with States interested in the work of the Office in order to discuss general issues and recent legal cases. Discussions also have been held with a number of States concerning agreements or arrangements on access to confidential or classified information. Further, the Ombudsperson maintained contacts with the informal Group of Like-Minded States on Targeted Sanctions.[6] The Ombudsperson also met with some State officials in their capitals for general discussions and to obtain information regarding particular cases.

23. The Ombudsperson and staff in her Office continued to interact with representatives of the Counter-Terrorism Implementation Task Force and the Counter-Terrorism Committee Executive Directorate, as well as with the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights.

24. During the reporting period, the Ombudsperson also had meetings with representatives of non-governmental organizations including Security Council Report and Human Rights Watch. The Ombudsperson also interacted with legal advisers during their annual meeting in New York in October and has interacted with members of the judiciary from various States and international courts. Further, the Ombudsperson had several exchanges with academics on the work of the Office.

Working methods and research

25. As previously, casework in this reporting period involved open-source research and contacts with journalists and authors to collect information and verify sources for publicly available case-related material.

26. The Ombudsperson continued to follow developments and collected information with regard to relevant national and regional legal cases. She has also discussed general legal issues of relevance with counsel in the Office of Legal

[6] Comprising Austria, Belgium, Costa Rica, Denmark, Germany, Finland, Liechtenstein, the Netherlands, Norway, Sweden and Switzerland.

Affairs and that Office has continued to provide assistance to the Ombudsperson on various matters.

Website

27. The website of the Office of the Ombudsperson (www.un.org/en/sc/ombudsperson) continues to be revised and updated.

IV. Other activities

Notifications of listing

28. In accordance with paragraph 20 (b) of annex II to resolution 2161 (2014), when an individual or entity is added to the list and relevant States have been notified, the Ombudsperson is to send a notification directly to that individual or entity if there is a known address.

29. In the six months since the eighth report was issued, 18 individuals and 4 entities have been added to the Al-Qaida sanctions list. Each of those listings was considered with reference to the question of notification. In one case an address was available and a notification was sent. In the remaining cases, there was no address or the information was such that there was no reasonable prospect of the notification reaching the addressee.

30. Consistent with the intention of paragraph 20 (b), the Ombudsperson has sent similar notification letters to individuals and entities listed prior to the establishment of the Office, both to those for whom there were addresses and to those for whom address information has subsequently become available. In this reporting period, in response to requests made for contact information, the Ombudsperson received addresses for previously listed individuals from two States, with respect to 20 individuals. The Ombudsperson has sent notifications to all those individuals. In this period, the Office received a delisting request which was triggered by one of the notices sent.

Miscellaneous matters

31. The Ombudsperson and her Office continued to receive and respond to various enquiries about the Committee and the Ombudsperson process. These included requests for assistance and information from State representatives, United Nations agencies, non-governmental organizations, lawyers, listed individuals, the media, academics, students and the general public.

V. Future work

32. As previously, the paramount activity of the Office of the Ombudsperson will continue to be related to the delisting requests. Six petitions were received in this reporting period, an increase since the last reporting period.[7] The process continues to attract a steady number of requests. As noted previously, some listed persons and

[7] Four cases were submitted in the previous reporting period.

entities remain unaware of the Ombudsperson process and efforts to disseminate information in that regard continue.

33. Given the inconsistent trend and various factors noted in my previous reports, it remains difficult to anticipate the future caseload with any certainty. However, on the basis of recent patterns of activity and taking these various factors into account, it is reasonable to assume that the Office of the Ombudsperson will receive approximately four requests in the next six-month period and that five cases will be active at the end of the next reporting period.

34. Because of the continuing challenges associated with the lack of access to classified material, the development of arrangements or agreements for access to classified or confidential information will remain the second priority for the Office of the Ombudsperson in the upcoming period. The Office will maintain its efforts to raise the issue with States, to enable the Ombudsperson to access critical information of relevance to delisting petitions.

35. Finally, the Ombudsperson and her Office will continue to carry out outreach and liaison activities as appropriate, in order to make the process more visible and understandable to potential petitioners and other interested actors.

VI. Observations and conclusions

Fair process

36. As highlighted by the Ombudsperson in her oral briefing to the Security Council in October, while international law in this area continues to evolve, a consistent message comes from the relevant international instruments, authorities and jurisprudence. The imposition of targeted sanctions, which directly affect the rights of individuals and entities, without the availability of an independent review mechanism which can deliver an effective remedy, is a practice inconsistent with fundamental human rights obligations. The Ombudsperson mechanism has been criticized in principle for not going far enough in this regard, in particular as the decisions of the Ombudsperson are not fully binding. However, it has not been disputed that in practice, if the recommendations of the Ombudsperson are followed, as they have been to date, the mechanism can deliver a fair process and independent review, with the availability of an effective remedy for individual petitioners.

37. Through extensive practice over four and a half years of operation, the Ombudsperson mechanism has consistently met these goals with respect to the delisting applications presented, as highlighted in previous reports.[8] Once again in the cases completed in this reporting period, the petitioner was informed of the case underlying the listing, and had an opportunity to respond and to be heard by the decision maker through the Ombudsperson's comprehensive report. All the Committee decisions on delisting petitions made during the reporting period were premised solely on information gathered by the Ombudsperson and followed her recommendation. In no case did the Committee take a decision by consensus contrary to the recommendation and no matter was referred to the Security Council.

[8] See in particular the detailed discussion in the sixth report (S/2013/452), paras. 28-32. See also the eighth report (S/2014/553), para. 34; the seventh report (S/2014/73), para. 32; and the fifth report (S/2013/71), paras. 28-30.

As a result, each petitioner benefited from an effective, independent review of the basis for the listing and the information supporting the same.

38. Further, with additional experience, the positive comments made about the robustness of the protections to the fairness of the process,[9] arising from the procedures designed by the Security Council, have only been reinforced. Committee member interaction with the Ombudsperson with regard to the comprehensive reports has increased in scope and thoroughness both at the individual and the collective level. This too has added to the thoroughness and effectiveness of the mechanism. The firm timelines for the process also continue to ensure a strong and effective mechanism for the efficient consideration of delisting petitions.

Transparency of the process

Interested States

39. As discussed in the eighth report, resolution 2161 (2014) introduced an important change in allowing for the release of the comprehensive report to specified interested States, upon request and with the consent of the Committee. As mentioned above, within this reporting period three States have sought the release of a comprehensive report, illustrating interest in the Ombudsperson process and in the individual delisting requests. This enhanced transparency is useful in terms of the relationship between the Office of the Ombudsperson and the States involved and more generally in demonstrating the overall fairness of the Ombudsperson mechanism. Going forward, consideration should be given to allowing for more general access by States to the comprehensive reports of the Ombudsperson. As an initial step, the body of "interested States" could be expanded from the designating States and States of residence/nationality/incorporation to any State from which information was sought or provided in the particular case. These "relevant" States often have a significant interest in the particular case for a variety of reasons and access to the comprehensive report could be of value and assistance to the authorities of the same.

The petitioner and the public

40. As discussed in the eighth report, no other improvements have been made to the transparency of the process and this remains the most significant fair process lacuna in the context of the Ombudsperson mechanism. The petitioner has no possible access to the comprehensive report. In terms of the general public — including interested legal authorities, judges and academics — disclosure is even more limited. While the petitioner is informed of the basis of the listing through the interview and reasons provided at the end of a case, the only information available to the general public about individual listings is that set out in the narrative summary of reasons on the website of the Al-Qaida sanctions Committee. No information is available as to the substance of the delisting applications, the issues considered and the basis for the decisions to retain the listing or to delist. None of the information gathered in particular delisting cases and no parts of the comprehensive report can be disclosed by the Ombudsperson. These constraints on transparency have no basis in the need to protect confidential information. The comprehensive reports can easily be adjusted to remove any sensitive or confidential material.

[9] See the fourth report (S/2012/590), paras. 30-32.

41. As a result, the Ombudsperson process remains one which is unnecessarily shrouded in mystery. Regrettably, this means that, while detailed documents exist to demonstrate the reasoned nature of the process, they are not made available. Moreover, despite the aims of the sanctions to prevent terrorist support and activities and to change conduct, information which gives a clear indication of the types of actions targeted by the sanctions regime is not available beyond the Security Council, some interested States and the Ombudsperson.

42. In this reporting period, the problem with a lack of transparency has manifested itself most clearly in the context of reasons for retention and delisting.

Provision of reasons for delisting and retention

43. From the adoption of resolution 2083 (2012), the Security Council has mandated that decisions to delist or retain made through the Ombudsperson process will be accompanied by reasons. Previous reports have noted that, for delisting cases, there have been extensive delays in the communication of the reasons by the Committee and the letters which were sent had relatively limited factual and analytical references.[10] Security Council resolution 2161 (2014) partially addressed the problem by providing for a 60-day deadline for the transmittal of reasons by the Committee to the Ombudsperson. While ensuring that some form of communication will now be provided within a reasonable time frame, the change has not addressed the problem with the content of the letters in delisting cases. In fact, the imposition of the deadline, at least in application to the backlog, has exacerbated the difficulty with limited factual and analytical references. Specifically, in this reporting period a number of communications from the Committee transmitted by the Ombudsperson to the petitioners in accordance with paragraph 16 of annex II to resolution 2161 (2014) contained no factual or analytical references. In the opinion of the Ombudsperson, these communications did not comply with the requirement for reasons to be provided as mandated by resolution 2161 (2014).

44. This result is disappointing in that the reasons provide the sole opportunity to publically demonstrate to the petitioner, and more broadly, the reasoned nature of the decision-making process which led to delisting. This approach perpetuates an appearance of arbitrariness with respect to a process established by the Security Council which can otherwise be demonstrated to meet the requirements of fairness. As such, this lack of transparency jeopardizes the overall fairness of the procedure and most significantly the perceptions as to its reasonableness.

45. As discussed in the seventh and eighth reports,[11] concerns also remain with respect to reasons in retention cases. As the listing is maintained on the basis of the recommendation of the Ombudsperson, which in turn arises from the analysis in the comprehensive report, it is crucial for the fairness of the process that the reasons provided be consistent with the observations, analysis and findings of the Ombudsperson. The reasons must also reflect the comprehensive nature of the report mandated by the Security Council and the fact that the procedure ensures that the petitioner is fully heard by the Ombudsperson and the Committee. To this end, the reasons must respond to the arguments advanced by the petitioner and any information produced in support. Experience indicates that problems with respect to

[10] See for example the seventh report (S/2014/73), paras. 38 and 39.

[11] See the seventh report (S/2014/73), paras. 43-45; and the eighth report (S/2014/553), paras. 39-42.

the fullness and accuracy of the retention reasons will continue to persist so long as the current structure — according the responsibility for the reasons to the Committee — is retained.

46. As noted in my eighth report, the serious challenges with respect to reasons can best be addressed by according the responsibility for reasons to the Ombudsperson, in both delisting and retention cases, with appropriate safeguards regarding the release of confidential material. The only exception to this should be in the case of a Committee reversal or a Security Council decision, where responsibility for reasons would appropriately be left to the Committee and the Council respectively. This structure would be properly reflective of the process as a whole and would significantly enhance its fairness, transparency and efficiency.

Cooperation of States/State support for the Office of the Ombudsperson

47. State cooperation in terms of responses remained strong in this reporting period. All designating States and States of residence/nationality have replied in the cases completed. Moreover, the Ombudsperson has met and engaged with States involved in individual cases and this has resulted in specific action being taken by the States with reference to pending cases. Further, at recent debates relating to sanctions and counter-terrorism, in the Security Council and other forums, multiple States across regional groupings have expressed support for the work of the Office of the Ombudsperson.[12]

Access to confidential or classified material

48. As previously, the major challenge in cooperation and the most significant limitation to the effectiveness of the Ombudsperson process remains access to confidential or classified material. Recent delisting petitions considered through the Ombudsperson process have demonstrated the increasingly acute need for the Ombudsperson to be able to review confidential material. Such information is critical to a comprehensive and accurate assessment of the listing and imperative to a full analysis of the petition presented.

49. Despite renewed efforts in this reporting period, only one new arrangement was agreed, bringing the number of agreements/arrangements for access to such information to 15. In order to ensure that the Ombudsperson process properly balances all of the interests underlying the sanctions process, more agreements/arrangements are urgently needed — particularly with States which often hold key information for the listings. Efforts in this regard continue.

Humanitarian exemptions

50. Experience in this reporting period has reinforced the views expressed in the eighth report that responsibility for conveying requests for humanitarian exemptions within the Al-Qaida regime should be assigned to the Ombudsperson. Further,

[12] See for example the 7285th meeting of the Security Council, on working methods, held on 23 October 2014; the 7316th meeting, on threats to international peace and security caused by terrorist acts, held on 19 November 2014; and the 7323rd meeting, on general issues relating to sanctions, held on 25 November 2014; the meeting of legal advisers held in New York on 27 October 2014; the report on the high-level review of United Nations sanctions on 31 October 2014 and the fourth review of the United Nations Global Counter-Terrorism Strategy held in New York on 11 June 2014.

interaction with petitioners during this reporting period supports the statement that the process of having a different authority and procedures to deal with a request related to the same listing is very confusing and does not generate confidence in either procedure. To date, it has only served to deter individuals from pursuing what may be well motivated and justified requests for humanitarian exemptions. While access to the Focal Point for this purpose in other regimes, for which the Ombudsperson is not mandated, would be evidently beneficial to listed individuals and entities, in the context of the Al-Qaida regime it does not serve the intended purpose of encouraging use of the exemptions provided for by the Security Council.

Independence of the Office of the Ombudsperson

51. In resolution 1904 (2009) the Security Council decided that, when considering delisting requests, the Committee shall be assisted by an Office of the Ombudsperson. However, as noted in the eighth report, in the light of the contractual, administrative and staffing arrangements through which the resolution mandate has been implemented, no separate office has ever been established.

52. Further, the Security Council has requested that the capacity of the Office of the Ombudsperson be strengthened to ensure its continued ability to carry out its mandate in an independent, effective and timely manner. Over the four and a half year period of operation, the Office of the Ombudsperson has fulfilled the mandate accorded to it by the Security Council in an independent manner. The work of the Office has been carried out autonomously and in each of the concluded cases the individual or entity involved has benefited from a fair and impartial process, which has included an objective review of the factual basis for the listing. However, this has not been as a result of any structural capacity or protections for independence. On the contrary, the applicable administrative arrangements put in place for the Ombudsperson, particularly for budget, staffing, staff management and resource utilization, lack the critical features of autonomy. Further, the contractual arrangements for the Ombudsperson are not consistent with the mandate accorded by the Security Council and contain insufficient safeguards for independence. Once again during this reporting period tensions have arisen because of a mandatory requirement of the contract which has been chosen for use, which raises the potential for interference with the performance of the mandate by the Ombudsperson. In practice, the personal efforts of the Ombudsperson, relevant officials within the Department of Political Affairs, and the staff members assigned to the Office have protected the independence of the Ombudsperson and the Office. However, this is evidently not what was foreseen by the Security Council in the mandate accorded and it is an extremely fragile basis for ensuring the independence of the Office of the Ombudsperson, particularly when in future it undergoes normal transition.

53. As noted previously, given the extension of the mandate of the Office of the Ombudsperson for an additional period of 30 months from July 2015, urgent consideration needs to be given to establishing contractual arrangements and a structure which implement the Security Council mandate for an Office of the Ombudsperson and which provide for institutional independence for the Ombudsperson and the Office.

Conclusions

54. The Office of the Ombudsperson, since its establishment, has provided individuals and entities listed by the Al-Qaida sanctions Committee with a fair and accessible recourse, which includes an independent review of factual information and is consistent with the fundamental precepts of fairness. As such, it evidently serves to protect individual rights and safeguard fundamental fairness in the context of the work of the Security Council. At the same time, the mechanism strengthens the effectiveness and credibility of the Al-Qaida sanctions regime. Because there is recourse available at the international level through which individuals and entities can challenge their inclusion in the list, the need for resort to domestic or regional courts is reduced. Further, as the protections are built into the system at the international level, they can properly reflect a uniform approach, regardless of the location of the petitioner, and ensure the application of standards appropriate for a procedure related to the sanctions measures of the Security Council. In addition, the availability of these protections and an effective remedy at the international level better equips States to respond to, and overcome, political, policy and legal concerns which impede effective implementation of the sanctions measures domestically and regionally.

55. Thus, the Office of the Ombudsperson continues to serve as a mechanism which supports the fairness and credibility of the Al-Qaida sanctions regime, in turn strengthening the effectiveness of the sanctions measures.

56. While the Ombudsperson process remains a robust one, there are limitations to its fairness and effectiveness arising principally from a lack of transparency of procedures, especially in the latter stages of the process. Of particular concern currently is the reluctance, despite the mandate of the resolution, to provide substantive reasons in delisting cases for the decisions taken. This only serves to perpetuate views as to the arbitrariness of the process. Similarly, unless the Ombudsperson is given the responsibility to provide reasons in retention cases, there will continue to be concerns about the consistency and sufficiency of the reasons in comparison to the comprehensive report.

57. As described above, significant general deficiencies also remain in the transparency of the process, particularly in relation to the public dissemination of information and from the perspective of the petitioner.

58. In terms of practical challenges, access to confidential or classified material remains a paramount concern. Recent cases highlight that such material may be essential for the Ombudsperson to conduct a full and accurate review of the information underlying a listing and to make a correct and appropriate recommendation. The need for further arrangements/agreements in this regard is a pressing one which will continue to be pursued.

59. Finally, with the extended mandate of the Ombudsperson accorded under resolution 2161 (2014), the contractual status of the Ombudsperson and the administrative arrangements surrounding the Office of the Ombudsperson should be reviewed with a view to institutionalizing the Office and according it proper safeguards for independence.

60. Despite these remaining challenges, however, the Ombudsperson mechanism established by the Security Council has continued to deliver a fair process and to contribute to strengthening the effectiveness and credibility of the Al-Qaida sanctions regime.

Annex

Status of cases

Case 1, one individual (Status: denied)

Date	*Description*
28 July 2010	Transmission of case 1 to the Committee
28 February 2011	Comprehensive report submitted to the Committee
10 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision
1 September 2011	Formal notification to petitioner with reasons

Case 2, Safet Ekrem Durguti (Status: delisted)

Date	*Description*
30 September 2010	Transmission of case 2 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 3, one entity (Status: delisting request withdrawn by petitioner)

Date	*Description*
3 November 2010	Transmission of case 3 to the Committee
14 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 August 2011	Withdrawal of petition

Case 4, Shafiq Ben Mohamed Ben Mohammed Al Ayadi (Status: delisted)

Date	*Description*
6 December 2010	Transmission of case 4 to the Committee
29 June 2011	Comprehensive report submitted to the Committee

Date	*Description*
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 October 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 5, Tarek Ben Al-Bechir Ben Amara Al-Charaabi (Status: delisted)

Date	*Description*
30 December 2010	Transmission of case 5 to the Committee
26 April 2011	Comprehensive report submitted to the Committee
31 May 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 June 2011	Committee decision to delist
12 August 2011	Formal notification to petitioner with reasons

Case 6, Abdul Latif Saleh (Status: delisted)

Date	*Description*
14 January 2011	Transmission of case 6 to the Committee
17 June 2011	Comprehensive report submitted to the Committee
26 July 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 August 2011	Committee decision to delist
8 November 2011	Formal notification to petitioner with reasons

Case 7, Abu Sufian Al-Salamabi Muhammed Ahmed Abd Al-Razziq (Status: delisted)

Date	*Description*
28 January 2011	Transmission of case 7 to the Committee
23 September 2011	Comprehensive report submitted to the Committee
15 November 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 November 2011	Committee decision to delist
13 February 2012	Formal notification to petitioner with reasons

Case 8, Ahmed Ali Nur Jim'ale and 23 entities[a] (Status: delisted)

Date	*Description*
17 March 2011	Transmission of case 8 to the Committee
23 September 2011	Comprehensive report submitted to the Committee
13 December 2011	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 December 2011	Committee decision to delist six entities
21 February 2012	Committee decision to delist one individual and 17 entities
8 June 2012	Formal notification to petitioner with reasons

[a] Barakaat North America, Inc., Barakat Computer Consulting, Barakat Consulting Group, Barakat Global Telephone Company, Barakat Post Express, Barakat Refreshment Company, Al Baraka Exchange, LLC, Barakaat Telecommunications Co. Somalia, Ltd., Barakaat Bank of Somalia, Barako Trading Company, LLC, Al-Barakaat, Al-Barakaat Bank, Al-Barakaat Bank of Somalia, Al-Barakat Finance Group, Al-Barakat Financial Holding Co., Al-Barakat Global Telecommunications, Al-Barakat Group of Companies Somalia Limited, Al-Barakat International, Al-Barakat Investments, Barakaat Group of Companies, Barakaat Red Sea Telecommunications, Barakat International Companies and Barakat Telecommunications Company Limited.

Case 9, Saad Rashed Mohammed Al-Faqih and Movement for Reform in Arabia (Status: delisted)

Date	*Description*
19 April 2011	Transmission of case 9 to the Committee
21 February 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 July 2012	Committee decision to delist
13 November 2012	Formal notification to petitioner with reasons

Case 10, Ibrahim Abdul Salam Mohamed Boyasseer (Status: delisted)

Date	*Description*
6 May 2011	Transmission of case 10 to the Committee
9 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 11, Mondher ben Mohsen ben Ali al-Baazaoui (Status: delisted)

Date	*Description*
1 June 2011	Transmission of case 11 to the Committee
19 January 2012	Comprehensive report submitted to the Committee
1 March 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 March 2012	Committee decision to delist
10 July 2012	Formal notification to petitioner with reasons

Case 12, Kamal ben Mohamed ben Ahmed Darraji (Status: delisted)

Date	*Description*
30 June 2011	Transmission of case 12 to the Committee
28 February 2012	Comprehensive report submitted to the Committee
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
4 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 13, Fondation Secours Mondial (Status: amended[b])

Date	*Description*
7 July 2011	Transmission of case 13 to the Committee
14 December 2011	Comprehensive report submitted to the Committee
24 January 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
17 February 2012	Committee decision to amend
9 July 2012	Formal notification to petitioner with reasons

[b] Amended to be removed as an alias of Global Relief Foundation (QE.G.91.02.).

Case 14, Sa'd Abdullah Hussein al-Sharif (Status: delisted)

Date	*Description*
20 July 2011	Transmission of case 14 to the Committee
29 February 2012	Comprehensive report submitted to the Committee

Date	*Description*
3 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
27 April 2012	Committee decision to delist
5 June 2012	Formal notification to petitioner with reasons

Case 15, Fethi ben al-Rebei Absha Mnasri (Status: delisted)

Date	*Description*
4 August 2011	Transmission of case 15 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 16, Mounir Ben Habib Ben al-Taher Jarraya (Status: delisted)

Date	*Description*
15 August 2011	Transmission of case 16 to the Committee
9 March 2012	Comprehensive report submitted to the Committee
17 April 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 May 2012	Committee decision to delist
3 August 2012	Formal notification to petitioner with reasons

Case 17, Rachid Fettar (Status: delisted)

Date	*Description*
26 September 2011	Transmission of case 17 to the Committee
27 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 18, Ali Mohamed El Heit (Status: delisted)

Date	*Description*
5 October 2011	Transmission of case 18 to the Committee
2 May 2012	Comprehensive report submitted to the Committee
3 July 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
19 July 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 19, Yassin Abdullah Kadi (listed as Yasin Abdullah Ezzedine Qadi) (Status: delisted)

Date	*Description*
16 November 2011	Transmission of case 19 to the Committee
11 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
5 October 2012	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 20, Chabaane ben Mohamed ben Mohamed al-Trabelsi (Status: delisted)

Date	*Description*
21 November 2011	Transmission of case 20 to the Committee
23 April 2012	Comprehensive report submitted to the Committee
5 June 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 June 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 21, Adel Abdul Jalil Ibrahim Batterjee (Status: delisted)

Date	*Description*
3 January 2012	Transmission of case 21 to the Committee
10 October 2012	Comprehensive report submitted to the Committee

Date	*Description*
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 January 2013	Committee decision to delist
5 September 2013	Formal notification to petitioner with reasons

Case 22, Ibrahim ben Hedhili ben Mohamed al-Hamami (Status: delisted)

Date	*Description*
6 February 2012	Transmission of case 22 to the Committee
25 September 2012	Comprehensive report submitted to the Committee
6 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
21 November 2012	Committee decision to delist
7 February 2013	Formal notification to petitioner with reasons

Case 23, Suliman Hamd Suleiman Al-Buthe (Status: delisted) (Repeated request)

Date	*Description*
23 February 2012	Transmission of case 23 to the Committee
30 August 2012	Comprehensive report submitted to the Committee
27 November 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
10 February 2013	Committee decision to delist
30 August 2013	Formal notification to petitioner with reasons

Case 24, Mamoun Darkazanli (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 24 to the Committee
12 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 March 2013	Committee decision to delist
30 August 2013	Formal notification to petitioner with reasons

Case 25, Abdullahi Hussein Kahie (Status: delisted)

Date	*Description*
28 February 2012	Transmission of case 25 to the Committee
26 July 2012	Comprehensive report submitted to the Committee
10 September 2012	Presentation of the comprehensive report by the Ombudsperson to the Committee
26 September 2012	Committee decision to delist
19 December 2012	Formal notification to petitioner with reasons

Case 26, Usama Muhammed Awad Bin Laden (Status: delisted) Ombudsperson case became moot following the Committee's decision of 21 February 2013

Date	*Description*
23 April 2012	Transmission of case 26 to the Committee
15 February 2013	Comprehensive report submitted to the Committee
21 February 2013	Committee decision to delist

Case 27, one individual (Status: denied)

Date	*Description*
7 May 2012	Transmission of case 27 to the Committee
11 February 2013	Comprehensive report submitted to the Committee
7 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
7 May 2013	Committee decision to retain listing
12 June 2013	Formal notification to petitioner with reasons

Case 28, one individual (Status: denied)

Date	*Description*
7 June 2012	Transmission of case 28 to the Committee
20 November 2012	Comprehensive report submitted to the Committee
8 January 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
8 January 2013	Committee decision to retain listing
29 January 2013	Formal notification to petitioner with reasons

Case 29, Muhammad 'Abdallah Salih Sughayr (Status: delisted)

Date	*Description*
25 July 2012	Transmission of case 29 to the Committee
9 April 2013	Comprehensive report submitted to the Committee
21 May 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
20 July 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 30, Lajnat Al Daawa Al Islamiya (LDI) (Status: delisted)

Date	*Description*
25 July 2012	Transmission of case 30 to the Committee
15 April 2013	Comprehensive report submitted to the Committee
2 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 September 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 31, Abd al Hamid Sulaiman Muhammed al-Mujil (Status: delisted)

Date	*Description*
1 August 2012	Transmission of case 31 to the Committee
13 March 2013	Comprehensive report submitted to the Committee
30 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 June 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 32, Mohamed ben Mohamed ben Khalifa Abdelhedi (Status: delisted)

Date	*Description*
19 September 2012	Transmission of case 32 to the Committee
5 March 2013	Comprehensive report submitted to the Committee

Date	*Description*
16 April 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
1 May 2013	Committee decision to delist

Case 33, Mohammed Daki (Status: delisted)

Date	*Description*
12 October 2012	Transmission of case 33 to the Committee
28 May 2013	Comprehensive report submitted to the Committee
30 July 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
16 August 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 34, Abdelghani Mzoudi (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 18 March 2013

Date	*Description*
8 November 2012	Transmission of case 34 to the Committee
18 March 2013	Committee decision to delist

Case 35, International Islamic Relief Organization, Philippines, Branch Offices (Status: delisted)

Date	*Description*
13 December 2012	Transmission of case 35 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 36, International Islamic Relief Organization, Indonesia, Branch Offices (Status: delisted)

Date	*Description*
13 December 2012	Transmission of case 36 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 37, Jaber Abdullah Jaber Ahmed Al-Jalahmah (Status: delisted)[c]

Date	*Description*
4 February 2013	Transmission of case 37 to the Committee
5 September 2013	Comprehensive report submitted to the Committee
1 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 January 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

[c] Jaber Abdullah Jaber Ahmed Al-Jalahmah was relisted on the same date by a separate Committee decision.

Case 38, Moustafa Abbas (listed as Moustafa Abbes) (Status: delisted)

Date	*Description*
13 February 2013	Transmission of case 38 to the Committee
12 August 2013	Comprehensive report submitted to the Committee
13 September 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
30 September 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 39, Atilla Selek (Status: delisted)

Date	*Description*
13 February 2013	Transmission of case 39 to the Committee
2 October 2013	Comprehensive report submitted to the Committee
13 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 40, Youssef ben Abdul Baki Ben Youcef Abdaoui (Status: delisted)

Date	*Description*
4 March 2013	Transmission of case 40 to the Committee
14 November 2013	Comprehensive report submitted to the Committee
11 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
14 April 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 41, L'hadi Bendebka (listed as Abdelhadi Ben Debka) (Status: delisted)

Date	*Description*
12 March 2013	Transmission of case 41 to the Committee
14 October 2013	Comprehensive report submitted to the Committee
3 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
18 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 42, Youcef Abbas (listed as Youcef Abbes) (Status: delisted)

Date	*Description*
4 March 2013	Transmission of case 42 to the Committee
2 October 2013	Comprehensive report submitted to the Committee

Date	*Description*
15 November 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
3 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 43, Said Yousef AbouAziz (listed as Said Youssef Ali Abu Aziza) (Status: delisted)
Ombudsperson case became moot following the Committee's decision of 26 August 2013

Date	*Description*
27 March 2013	Transmission of case 43 to the Committee
26 August 2013	Committee decision to delist

Case 44, one individual (Status: denied)

Date	*Description*
2 May 2013	Transmission of case 44 to the Committee
4 February 2014	Comprehensive report submitted to the Committee
21 April 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
21 April 2014	Committee decision to retain listing
30 July 2014	Formal notification to petitioner with reasons

Case 45, one individual (Status: denied)

Date	*Description*
6 May 2013	Transmission of case 45 to the Committee
9 December 2013	Comprehensive report submitted to the Committee
11 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
11 February 2014	Committee decision to retain listing
17 March 2014	Formal notification to petitioner with reasons

Case 46, Yacine Ahmed Nacer (Status: delisted)

Date	*Description*
10 May 2013	Transmission of case 46 to the Committee
30 December 2013	Comprehensive report submitted to the Committee
25 February 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
13 March 2014	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 47, Nabil Benatia (listed as Nabil ben Mohamed ben Ali ben Attia) (Status: delisted)

Date	*Description*
3 June 2013	Transmission of case 47 to the Committee
12 November 2013	Comprehensive report submitted to the Committee
13 December 2013	Presentation of the comprehensive report by the Ombudsperson to the Committee
31 December 2013	Committee decision to delist
25 August 2014	Formal notification to petitioner with reasons

Case 48, Wael Hamzah Jelaidan (listed as Wa'el Hamza Abd al-Fatah Julaidan) (Status: delisted)

Date	*Description*
17 June 2013	Transmission of case 48 to the Committee
19 March 2014	Comprehensive report submitted to the Committee
24 June 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
25 August 2014	Committee decision to delist
29 October 2014	Formal notification to petitioner with reasons

Case 49, one individual (Status: denied)

Date	*Description*
24 June 2013	Transmission of case 49 to the Committee
3 April 2014	Comprehensive report submitted to the Committee

Date	*Description*
24 June 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
24 June 2014	Committee decision to retain listing
10 September 2014	Formal notification to petitioner with reasons

Case 50, Al-Haramain Foundation (USA) (Status: delisted)

Date	*Description*
5 September 2013	Transmission of case 50 to the Committee
30 June 2014	Comprehensive report submitted to the Committee
26 August 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
25 October 2014	Committee decision to delist
29 December 2014	Formal notification to petitioner with reasons

Case 51, Aqeel Abdulaziz Aqeel Al-Aqeel (Status: delisted)

Date	*Description*
28 October 2013	Transmission of case 51 to the Committee
18 August 2014	Comprehensive report submitted to the Committee
31 October 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 January 2015	Committee decision to delist

Case 52, one individual (Status: dialogue phase)

Date	*Description*
27 May 2014	Transmission of case 52 to the Committee
27 February 2015	Extended deadline for completion of the information-gathering phase

Case 53, one individual (Status: Committee phase)

Date	*Description*
13 June 2014	Transmission of case 53 to the Committee
9 December 2014	Comprehensive report submitted to the Committee
29 January 2015	Presentation of the comprehensive report by the Ombudsperson to the Committee

Case 54, one individual (Status: dialogue phase)

Date	*Description*
19 June 2014	Transmission of case 54 to the Committee
5 March 2015	Extended deadline for completion of the dialogue phase

Case 55, Ismail Mohamed Ismail Abu Shaweesh (Status: delisted)

Date	*Description*
23 June 2014	Transmission of case 55 to the Committee
10 November 2014	Comprehensive report submitted to the Committee
16 December 2014	Presentation of the comprehensive report by the Ombudsperson to the Committee
2 January 2015	Committee decision to delist

Case 56, one individual (Status: dialogue phase)

Date	*Description*
5 September 2014	Transmission of case 56 to the Committee
5 March 2015	Deadline for completion of the dialogue phase

Case 57, one individual (Status: information-gathering phase)

Date	*Description*
9 September 2014	Transmission of case 57 to the Committee
9 February 2015	Extended deadline for completion of the information-gathering phase

Case 58, one individual (Status: information-gathering phase)

Date	*Description*
30 August 2014	Transmission of case 58 to the Committee
12 March 2015	Extended deadline for completion of the information-gathering phase

Case 59, one individual (Status: information-gathering phase)

Date	*Description*
30 September 2014	Transmission of case 59 to the Committee
26 February 2015	Extended deadline for completion of the information-gathering phase

Case 60, one individual (Status: information-gathering phase)

Date	*Description*
10 November 2014	Transmission of case 60 to the Committee
10 March 2015	Deadline for completion of the information-gathering phase

Case 61, one individual (Status: information-gathering phase)

Date	*Description*
19 January 2015	Transmission of case 61 to the Committee
19 May 2015	Deadline for completion of the information-gathering phase